



Report to the Legislature

**Services to Persons with
Disabilities who are Discharged or Diverted
from State Hospitals or Individuals with
Community Protection Issues**

Chapter 25, Laws of 2003, E2, Section 205(1)(d) Uncodified

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Chapter 25, Laws of 2003, E2, Section 205(1)(d) requires the Department of Social and Health Services' Division of Developmental Disabilities (DDD) to report, within 45 days following each fiscal quarter, the number of persons served in the community through this section, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients. This proviso is intended to provide community residential supports, therapies and employment/day services to individuals who are discharged or diverted from state psychiatric hospitals and for individuals that qualify for the Community Protection Program.

BACKGROUND

Hospital Discharge

Providing services to individuals with developmental disabilities who are diagnosed with mental illness and/or are otherwise gravely disabled is a long-term state and national issue. Since 1985, the Washington State Legislature has periodically provided funding to enable some developmentally disabled clients to move out of state hospitals when community placement is recommended. Between the periods of August 1996-1998, however, the number of people with developmental disabilities at the state's two psychiatric hospitals grew from 53 to a high of 92.

In January 1999, the Washington Protection and Advocacy System filed a federal class action lawsuit (*Allen v DSHS*) alleging abuse and neglect of individuals with developmental disabilities at Western State Hospital (WSH). It further alleged that individuals were denied opportunities for discharge and community support, and that they were at risk for unnecessary involuntary commitment. A mediated settlement agreement was reached in December 1999. Among the terms of the agreement, the state agreed to request funding from the legislature to implement a 3-phase remedy titled the Division of Developmental Disabilities/Mental Health Division Collaborative Work Plan.

The supplemental budget passed in the 2000 Legislative Session included \$6,673,000 to fund Phases 1 and 2 of the collaborative work plan. Phase 3 of the work plan proposed to establish involuntary treatment facilities. Phase 3 was not initially funded. The Legislature instead required a comprehensive study of long-term treatment alternatives for individuals with developmental disabilities and mental illness. The report's recommendation was to continue to house involuntary treatment clients at the two state psychiatric hospitals.

The Legislature authorized funds to the Mental Health Division in the 01-03 to support Phase 3 at the state psychiatric hospitals during the 2001-2003 biennium.

In this current proviso, the Legislature appropriated funds to DDD to provide community supports for eleven (11) individuals with developmental disabilities upon their release

from state psychiatric hospitals during the 03-05 biennium. These funds provided an average daily rate of \$300.00 per client/per day.

STATUS

DDD has prioritized the use of these proviso funds to serve individuals who have been determined ready for discharge from state psychiatric hospitals in an effort to comply with the *Allen v. WSH*, et al, and the *Smith v DSHS*, et al federal court Settlement Orders.

Hospital Discharge

Hospital Outplacements

The Division of Developmental Disabilities has placed seven (7) clients out of the state psychiatric hospitals since July 1, 2003 with an average daily rate of \$283.53. (See attached spreadsheet). In addition, DDD authorized the use of proviso funds to support three more individuals this quarter. One individual's discharge was delayed, as he became acutely medically ill and required emergency surgery, but is expected to be discharged soon. The other two individuals are expected to be discharged within the next 6 weeks, one is waiting to go to an in-patient drug treatment program prior to going into a Supported Living residential program, and the other individual continues to stabilize with an expected discharge date of February 1, 2004.

For the quarter October 2003 through December 2003, two clients were placed into Supported Living Services (SL/S) from Eastern State Hospital (ESH). Before community placement, these individuals received habilitative mental health services at ESH as part of the DDD Habilitative Mental Health Unit. These inpatient services include skill building, group and individual counseling services, vocational services, coaching, and highly specialized individual treatment services and planning, including functional assessments and positive behavior support planning. Services at ESH comply with requirements set forth in the Civil Rights of Institutionalized Persons Act, 42 USC 1997.

AB is a 56 year-old man with a diagnosis of Moderate Mental Retardation, Generalized Anxiety Disorder and Antisocial Personality Disorder who was admitted for a fourth time to ESH in 1993 from Spokane County Jail, after having been charged with Indecent Liberties. He was initially admitted for competency evaluation (RCW 10.77), and then transferred to Monroe Special Commitment Center, and 10 months later readmitted to ESH on a civil commitment (RCW 71.05). AB remained at ESH through October 2003, until discharged to a DDD Certified Community Protection Program in Spokane. AB receives his mental health services from Spokane Mental Health, and has a Sex Offender Treatment Provider (SOTP) therapist he meets with weekly. AB had a brief 2-day medical hospitalization on Thanksgiving, after having eaten too much. He is back home now and continuing his mental health treatment.

TP is a 37-year-old man with a diagnosis of Traumatic Brain Syndrome, Depression and Psychosis not otherwise specified (NOS) who became DDD eligible at age 18, when he

was injured as the result of an motor vehicle accident (MVA). TP is paralyzed from the waist down and is wheelchair bound. He has a long history of aggression, multiple suicide attempts and assault charges. Before being at ESH, TP had over 18 crisis diversion admissions to Lakeland Village RHC and 10 admissions to Sacred Heart Hospital. TP was admitted briefly to a special treatment program in Idaho, but due to his level of assaultiveness and his refusal to comply with treatment, was discharged from the program and readmitted to ESH. While there, he became more actively involved in his treatment and stabilized. He was discharged to a DDD Certified Community Protection Program in October and continues to be actively involved in his treatment. He sees a SOTP regularly and attends his other mental health appointments as required by his Least Restrictive Alternative (LRA).

It is noted here that that there have been seven (7) admissions to WSH in the October – November reporting period (December data is not available at this time). Of these seven admissions, three (3) were for competency evaluation under RCW 10.77, and four (4) were for civil commitment under RCW 71.05. At ESH, for the same reporting period, there were two (2) civil commitment (RCW 71.05) admissions and no competency (RCW 10.77) admissions. Phase 2 services, as designed, are working well to divert civilly committed individuals from the state hospital. The division will continue to monitor these data and watch for trends in this area.

2003-2005
Proviso Tracking OUTPLACEMENT TOTALS
2nd Quarter Totals

Hospital Outplacements					Type of Services				Expenditures	
<u>Region</u>	<u>Client Number</u>	<u>Previous Residence</u>	<u>Residential Start Date</u>	<u>Number of Days in Service</u>	<u>Residential Daily Rate</u>	<u>Day Services Daily Rate</u>	<u>Other Daily Rate</u>	<u>Therapies Daily Rate</u>	<u>Total Daily Expend.</u>	<u>Total Expend. To Date</u>
4	#1-JW	WSH/homeless	07/31/03	154	\$ 263.15	\$ 24.00	\$ -	\$ 11.83	\$ 298.98	\$ 46,042.92
4	#2-WM	WSH	08/21/03	133	\$ 241.50	\$ 25.00	\$ 9.86	\$ 14.79	\$ 291.15	\$ 38,722.95
5	#3-CJ	WSH	08/31/03	123	\$ 244.88	\$ 20.00	\$ -	\$ 15.00	\$ 279.88	\$ 34,425.24
5	#4-JW	WSH	09/30/03	93	\$ 244.88	\$ 20.00	\$ -	\$ 15.00	\$ 279.88	\$ 26,028.84
5	#5 CS	WSH	09/30/03	93	\$ 266.09	\$ 20.00	\$ -	\$ -	\$ 286.09	\$ 26,606.37
1	#6 AB	ESH	10/15/03	78	\$ 250.00	\$ 16.50	\$ -	\$ 7.88	\$ 274.38	\$ 21,401.64
1	#7 TP	ESH	10/16/03	77	\$ 250.00	\$ 16.50	\$ -	\$ 7.88	\$ 274.38	\$ 21,127.26
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
									\$ -	\$ -
Average for Hospital Outplacements									\$ 283.53	\$ 214,355.22